

DETAILED ACTION

Status of Claims

1. This action is responsive to amendment filed on October 3, 2006 which was accompanied by a petition to revive the abandoned application. Applicant amended claims 1-8,10,11,13-21,23,24,26-34,36,37,39. Claims 1-39 remain pending.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-9,14-22,27-35, drawn to classification in at least class 709, subclass 224 and class 714 subclass 4.1.

II. Claims 10-13,23-26,36-39, drawn to classification in at least class 709, subclasses 223-224.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions *I*, *II* are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

4. In the instant case, the combination *I* as claimed does not require the particulars of the subcombination *II* as claimed because the steps involved in *I* relate to determining faults and is not dependent upon the steps involved in *II*. The subcombinations have separate utility since *II* relates to determining duplicates.

Also, the combination **II** as claimed does not require the particulars of the subcombination **I** as claimed because the steps involved in **II** relate to determining duplicates and is not dependent upon the steps involved in **I**. The subcombinations have separate utility since **I** relates to determining faults.

5. Because these inventions are distinct for the reasons given above and have attained recognition in the art as a separate subject of inventive effort as demonstrated by their different classifications and/or topics, and thus requiring a separate field of search for each distinct invention, restriction for examination purposes as indicated is proper. (see MPEP § 808.02)

6. During a telephone conversation with Peter Manzo (reg 54700) on 5/20/2011 an election was made without traverse to prosecute the invention of Group I. The claims of Group II are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

EXAMINER'S AMENDMENT

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter Manzo (reg 54700) on 5/20/2011.

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The application has been amended as follows:

Claim 1 (Amend line 4 as follows):

... monitoring, by a computer, resources...

Claims 10-13 (Canceled)

Claims 23-26 (Canceled)

Claim 27 (Amend the preamble as follows):

A computer program product on a non-transitory computer readable
medium...

Claims 36-39 (Canceled)

Allowable Subject Matter

8. Claims 1-9, 14-22, 27-35 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee.

Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY OSMAN whose telephone number is (571)272-4008.

The examiner can normally be reached on M-F 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/
Primary Examiner, Art Unit 2457

May 20, 2011